

COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

ERNIE FLETCHER
GOVERNOR

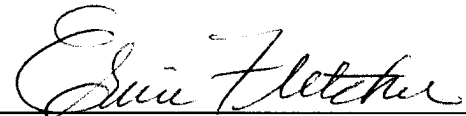
700 CAPITOL AVENUE
SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

VETO MESSAGE FROM THE
GOVERNOR OF THE COMMONWEALTH OF KENTUCKY

VETO OF HB 204

Pursuant to the authority vested in me by Section 88 of the Constitution of the Commonwealth of Kentucky, I, Ernie Fletcher, Governor, do hereby veto HB 204. Under current law, a noncustodial parent may be required to support a disabled child over eighteen, if the child is not capable of self-support. In Abbott v. Abbott, 673 S.W.2d 723 (Ky.App. 1983), the Kentucky Court of Appeals ruled that a child over eighteen and wholly dependent because of a permanent physical or mental disability was entitled to child support. This bill would have the unintended effect of terminating a parent's duty to provide support to a disabled child beyond the age of twenty-five years.

Done this 18 day of March, 2005.


Ernie Fletcher, Governor

RECEIVED AND FILED
DATE March 23, 2005
10:04 Am

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

Received
3-18-05
10:25 a.m.
Lisa Pulliam
Clerk of the House



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

HOUSE BILL NO. 204

AS ENACTED

TUESDAY, MARCH 8, 2005

AN ACT relating to child support.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 403.213 is amended to read as follows:

- 2 (1) The Kentucky child support guidelines may be used by the parent, custodian, or
3 agency substantially contributing to the support of the child as the basis for periodic
4 updates of child support obligations and for modification of child support orders for
5 health care. The provisions of any decree respecting child support may be modified
6 only as to installments accruing subsequent to the filing of the motion for
7 modification and only upon a showing of a material change in circumstances that is
8 substantial and continuing.
- 9 (2) Application of the Kentucky child support guidelines to the circumstances of the
10 parties at the time of the filing of a motion or petition for modification of the child
11 support order which results in equal to or greater than a fifteen percent (15%)
12 change in the amount of support due per month shall be rebuttably presumed to be a
13 material change in circumstances. Application which results in less than a fifteen
14 percent (15%) change in the amount of support due per month shall be rebuttably
15 presumed not to be a material change in circumstances. For the one (1) year period
16 immediately following enactment of this statute, the presumption of material change
17 shall be a twenty-five percent (25%) change in the amount of child support due
18 rather than the fifteen percent (15%) stated above.
- 19 (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions
20 for the support of a child shall be terminated by emancipation of the child unless the
21 child is a high school student when he reaches the age of eighteen (18). In cases
22 where the child becomes emancipated because of age, but not due to marriage,
23 while still a high school student, the court-ordered support shall continue while the
24 child is a high school student, but not beyond completion of the school year during
25 which the child reaches the age of nineteen (19) years. **Upon motion made prior to**

- 1 the child reaching the age of emancipation, the court may order the continuation
 2 of child support beyond the age of emancipation but not beyond the age of
 3 twenty-five (25) years for a child whom the court determines to be mentally ill
 4 within the meaning of KRS Chapter 202A or KRS Chapter 645, mentally retarded
 5 within the meaning of KRS Chapter 202B, or disabled within the meaning of
 6 KRS Chapter 387. Provisions for the support of the child shall not be terminated by
 7 the death of a parent obligated to support the child. If a parent obligated to pay
 8 support dies, the amount of support may be modified, revoked, or commuted to a
 9 lump-sum payment, to the extent just and appropriate in the circumstances.
 10 Emancipation of the child shall not terminate the obligation of child support
 11 arrearages that accrued while the child was an unemancipated minor.
- 12 (4) The child support guidelines table shall be reviewed at least once every four (4)
 13 years by a commission consisting of the following persons:
- 14 (a) The secretary of the Cabinet for Families and Children or a supervisory staff
 15 person designated by him;
 - 16 (b) Two (2) members of the Kentucky Bar Association who have at least six (6)
 17 consecutive years' experience and are presently practicing domestic relations
 18 cases, one (1) member from a metropolitan or large urban area and one (1)
 19 member from a less populated area;
 - 20 (c) Two (2) Circuit Judges appointed by the Chief Justice of the Kentucky
 21 Supreme Court, one (1) from a metropolitan or large urban area, and one (1)
 22 from a less populated area;
 - 23 (d) One (1) District Judge appointed by the Chief Justice of the Kentucky
 24 Supreme Court;
 - 25 (e) Two (2) county attorneys appointed by the president of the County Attorneys
 26 Association, one (1) from a metropolitan or large urban area and one (1) from
 27 a less populated area;

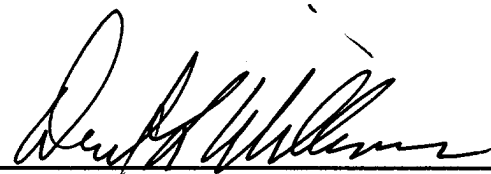
- 1 (f) The Attorney General or his designee, who shall be an attorney from his
- 2 office;
- 3 (g) One (1) person who is a custodial parent;
- 4 (h) One (1) person who is a noncustodial parent;
- 5 (i) One (1) person who is a parent with split custody; and
- 6 (j) One (1) child advocate.

7 The members designated in paragraphs (g) to (j) of this subsection shall be
8 appointed by the Governor from a list of three (3) names for each category
9 submitted by the Cabinet for Families and Children. If the status of one (1) of these
10 members changes, the member shall be replaced through appointment by the
11 Governor from a list of three (3) names submitted by the cabinet.

- 12 (5) The commission shall make a recommendation to the Kentucky General Assembly
- 13 to ensure that the child support guidelines table results in a determination of
- 14 appropriate child support amounts.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved _____
Governor

Date _____